

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CAROLINE MORE,

Plaintiff,

v.

BISHOP WILLIAM P. CALLAHAN, O.F.M.,
ARCHBISHOP JEROME E. LISTECKI,
MONSIGNOR MICHAEL J. GORMAN,
EDWARD JONES and WILLIAM MOORE,

Defendants.

OPINION AND ORDER

12-cv-905-bbc

In this civil action for monetary relief, plaintiff Caroline More is proceeding pro se on a claim of sexual assault by a janitor at a Catholic church in La Crosse, Wisconsin and a claim of defamation against defendant Edward Jones who allegedly gave a false statement to the police. In an order entered on September 3, 2013, I denied defendants' motion to dismiss plaintiff's complaint as to all defendants but plaintiff was directed to file an amended complaint in which she alleged sufficient facts to establish that this court had jurisdiction to entertain her claims under 28 U.S.C. § 1332.

Plaintiff responded to the directive by filing a six-page document that she calls an "amended complaint," in which she set forth the reasons she believed that each of the defendants was a citizen of Wisconsin and that she was a citizen of Minnesota, as well as her reasons for thinking that more than \$75,000 was in dispute. Dkt. #33. (She claims to have

suffered emotional distress from the assault and has been treated at length for that distress.) She did not restate the claims she had made in her original complaint (actually two identical complaints, dkts. ## 1 & 2). Defendant ListECKi moved to dismiss the complaint against him on the sole ground that plaintiff's failure to incorporate the original claims in her "amended complaint" resulted in a complaint that stated no claims whatsoever against him. Dkt. #37.

Technically, defendant ListECKi is correct in objecting to plaintiff's "amended complaint." But she is proceeding without the assistance of counsel; her failure to restate her claims against defendants can be attributed to her lack of knowledge about the court system. It is clear that she did not understand that she should have begun her amended complaint with the claims she stated in her original complaint and then added to it her allegations about citizenship. Henceforth, her complaint will be considered as incorporating dkt. #2 and dkt. #33. (Dkt. #1 can be disregarded because it is identical to dkt. #2.) Defendant ListECKi's motion to dismiss will be denied. None of the defendants challenge plaintiff's allegations that they are citizens of Wisconsin, so the lawsuit may proceed. The magistrate judge will schedule a prompt telephone conference to revise the original schedule.

ORDER

IT IS ORDERED that the motion to dismiss filed by defendant Archbishop Jerome E. ListECKi, dkt. #37, is DENIED.

Entered this 6th day of February, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge